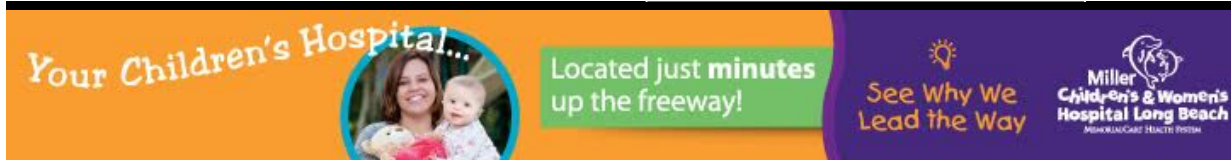


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Hermosa Beach residents catch E&B drilling without county permit

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Suspicious Hermosa Beach residents were proved correct on Wednesday afternoon when City Manager Tom Bakaly announced that E&B did indeed fail to get a permit for drilling that occurred (<http://www.easyreadernews.com/69758/hermosa-beach-residents-question-early-morning-drilling/>) inside the controversial Public Works Maintenance Yard on May 7.

“Evidently we were supposed to file permits for the boring,” E&B Natural Resources spokesperson Tiffany Rau said. “Violations have been issued and E&B has taken full responsibility.”

The early morning work at the city’s maintenance yard involved shallow borings into the soil to obtain groundwater samples as part of the information-gathering process for the environmental impact report (EIR) for the proposed oil project. Residents reported hearing loud noises (<http://www.easyreadernews.com/69758/hermosa-beach-residents-question-early-morning-drilling/>) throughout the day that included a loud motor as well as pipes clanking. Maintenance yard employees said the noise was no louder than a regular day’s work.



“This is
a
relatively
routine
sampling

Hermosa Beach residents were woken up to noises in the Hermosa Beach Public Works Maintenance Yard Tuesday morning. Photo of yard shot on Thursday by Chelsea Sektnan

operation for a project of this type and it required just one day of work and little disruption of the site,” Bakaly wrote in a press release. “While the city staff investigated the need for a state permit for the water sampling process, it was unaware that a permit from the [Los Angeles County Public Health Department’s Bureau of Environmental Protection] was needed for such work.”

Local resident and Stop Oil in Hermosa activist Jeff Cohn collected video of the drilling along with a friend on Tuesday and soon after sending a blast email with the YouTube video attached, phones started ringing at city hall.

“The city would never have caught this without us,” Cohn said. “I think basically what we need to do is to continue to be skeptical and ask the hard questions about why they didn’t follow the necessary steps because there’s a long history of circumventing processes that are in place to protect residents and people.”

On May 10, J. and H. Drilling Co., the company subcontracted by E&B to do the sample collecting, was sent a notice of violation and order from the County of Los Angeles Public Health and Environmental Health by Angelo Bellomo, the Director of Environmental Health. The City of Hermosa Beach as well as Newport-based consultant Brycon, LLA, were also issued the violation.

The notice informed the company that the department responded to a complaint of a well being drilled illegally and that a Los Angeles County Code states that, “No person shall drill, dig, bore, deepen or excavate any well, or destroy an existing well, without first making application and



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NOTICE OF VIOLATION AND ORDER

Date: 10 May 2013
Name and Address: Frank Senteno, Director of Public Works
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254
Violation Location: City of Hermosa Beach Public Works
555 6th Street
Hermosa Beach, CA 90254
Authority Cited: Los Angeles County Code Title 11

Violation: Los Angeles County Code, Title 11, Section 11.38.150

On 9 May 2013, the Los Angeles County Department of Public Health—Environmental Health Drinking Water Program ("the Drinking Water Program") responded to a complaint of a well being drilled illegally. The Los Angeles County Code Title 11 Section 11.38.150 states: "No person shall drill, dig, bore, deepen or excavate any well, or destroy an existing well, without first making application and securing a permit." The Drinking Water Program confirmed that drilling activity that encountered groundwater occurred at 555 6th Street, Hermosa Beach, CA 90254, without securing a Public Health Permit through the Drinking Water Program.

Whereas the Drinking Water Program is the designated permitting agency authorized to oversee well standards, the Drinking Water Program hereby directs the City of Hermosa Beach ("Hermosa Beach") to take the following actions:

- Hermosa Beach shall take all actions necessary to cease violating the requirements set forth in the Los Angeles County Code, Title 11, Section 11.38.150.
- By **15 May 2013**, Hermosa Beach shall submit a *Well Permit Application* to the Drinking Water Program for the drilling activity at 555 6th Street, Hermosa Beach, CA 90254. The *Well Permit Application* can be found on the Drinking Water Program's website: http://publichealth.lacounty.gov/eh/ep/dw/dw_mon_wells.htm. Any subsequent work (to drill, renovate, or decommission) requires a Los Angeles County well permit and requires that the work is supervised by a professional geologist licensed in the State of California. The drilling contractor must possess a C-57 Water Well Contractor's License valid in the State of California in accordance with California Water Code Section 13750.5.
- By **10 June 2013**, Hermosa Beach shall remit payment to the Los Angeles County Department of Public Health as detailed in the forthcoming Cost Recovery and Expense Billing Notice.

Failure to comply with any provision or compliance schedule of this Notice and Order may result in the imposition of additional enforcement actions and/or administrative penalties in accordance with Los Angeles County Code Section 8.04.728(F).

Richard Lavin, R.E.H.S.
Chief Environmental Health Specialist

CC: Office of the Los Angeles County Counsel

CERTIFIED MAIL

RL:jm

Notice of Violation and Order to the City of Hermosa Beach

securing a permit." The Environmental Health Drinking Water Program then confirmed that the drilling at 555 6th Street was done without proper permitting and that the drilling company must submit a permit application both for the May 7 work and any drilling in the future.

According to the violation, a professional geologist licensed in the State of California must also supervise any future work. By May 15 the company must also submit proof of possession of a Water Well Contractor's license and pay a yet to be determined fine by June 10.

Why is E&B Natural Resources Drilling in Hermosa Beach Without P...



Bakaly said E&B and the city would work together to ensure all future work is properly permitted.

"E&B and its contractors are responsible for obtaining all permits for work related to the project application," the city manager said. "The city will be working with E&B to ensure that all needed permits are obtained for all future work related to the proposed project."

"Ultimately E&B will have to get each of its permits by itself," said former city manager and current EIR consultant Steve Burrell. "Basically the city's role in this is to ensure that as E&B moves forward that everything is being done in accordance with safety and they are being environmentally conscience all the way through. They don't take a side one way or another about the project – there's a lot more to come. It's really just getting started."

Hermosa Beach Community Development Department project manager Ed Almanza said he was told that the procedure would be quiet, properly licensed, and was approved by the city. He added that it was a request from the city that prompted E&B to collect samples of the current condition of the site.

"We apologize for any confusion this environmental data-gathering process might have caused," Bakaly said in his statement. "The city remains committed to providing residents and voters with thorough information about the proposed oil production project and will strive to communicate more fully in the future."

Cohn said he wasn't fooled by the delicate wording.

"We apologize for any confusion this may have caused? That angers me further because it didn't confuse me one bit, it actually angered me that they didn't notify me that there was drilling and it was noisy that's why I'm angry," Cohn said in reaction to Bakaly's statement. "I knew

exactly what they were doing. It angers me that the city does not care about me or where I live. They don't respect the neighbors around there and the neighborhood and neither does E&B. Apologize for the confusion? Why don't you apologize to entire neighborhood for disturbing us with your noise?"

The city notified E&B of its responsibility to obtain the permit. E&B's contractor has filed for the appropriate permit with Los Angeles County.

The City Council will receive an update at its meeting on May 28 about Hermosa Beach's General Plan, its community outreach and the environmental review process for the proposed oil production project. ER

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